#### MERCHANT & GOULD P.C.

### **United States Patent Application**

### COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: HETEROARYL PHOSPHONATES, COMPOSITIONS CONTAINING THEM AND METHODS OF TREATMENT OF VARIOUS DISORDERS USING THEM

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was amended on	eto ptember 16, 2005 (Atty Docket (if applicable) (in the case of 384 filed March 15, 2004 and a	a PCT-filed application)	as application serial no. and described and claimed in internationary), which I have reviewed and for
I hereby state that I ha claims, as amended by	eve reviewed and understand the any amendment referred to ab	e contents of the above-id	entified specification, including the
for patent or inventor	priority benefits under Title 35 s certificate listed below and ha aving a filing date before that o	ve also identified below a	19/365 of any foreign application(s) any foreign application for patent or asis of which priority is claimed:
	tions have been filed. as have been filed as follows:		asis of which priority is claimed.
	tions have been filed.  as have been filed as follows:		
a. no such applica b. such application  COUNTRY	tions have been filed.  ns have been filed as follows:  FOREIGN APPLICATION(S), IF ANY	, CLAIMING PRIORITY UNDER  DATE OF FILING  (day, month, year)	35 USC § 119  DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
10/391,056	17 March 2003	

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

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# § 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
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- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
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- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
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  - (2) Each attorney or agent who prepares or prosecutes the application; and

- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the attorney(s) and/or patent agent(s) associated with the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

23552
PATENT TRADEMARK OFFICE

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to customer number 23552.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	Full Name Of Inventor	Family Name DIAKUR	First Given Name James		Second Given Name
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Sign	stare of Inventor 2	· · · · · · · · · · · · · · · · · · ·	Eximonion	Date:	Manitoba 16C2Y//Canada
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Sign	ature of Inventor 2			Date:	Memora to 1 5192 carety
2	Full Name Of Inventor	Family Name YAO	First Given Name Junzhi		Second Given Name
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4	4 Mailing Address 1508 Hodgson Close City Edmonton Address 312-99 Dalhouste Drive Winnipeg		١٢	State & Zip Code/Country A(herty/ Manitoba R3T 3MZ/Canada T6 R 3M5/Cana	
Sign	nture of Inventor 20	14: × Junihi Tao		Date:	DV. 25, 2005
2	Fall Name Of Inventor	Pamity Name PHAM	First Given Name Vinn		Second Given Name
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5	Malling Address	Address 43 Foylo Street	City Winnipeg		State & Zip Code/Country  Manitoba R2R 2Cl/Canada
Signs	ature of Inventor 20	<b>)5:</b>		Date:	

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inventor's certificate	n priority benefits under Title 35 's certificate listed below and hat having a filing date before that o ations have been filed.  ons have been filed as follows:	ve also identified below a	any foreign application for not	
	FOREIGN APPLICATION(S), IF ANY,	, CLAIMING PRIORITY UNDER	35 USC § 119	-
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	
A	LL FOREIGN APPLICATION(S), IF ANY,	FILED BEFORE THE PRIORITY	APPLICATION(S)	
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	Full Nume Of Inventor	Family Name DIAKUR	First Given Name James		Second Gives Name
L	Residence & Clarenship	City Winnipeg	State or Foreign Country Manitoba		
-	Mailing Address	Address 75 Winterbaven Drive	City Winnipeg		State & Zip Code/Cauntry Manitoba R2N 4L3/Canada
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igna	ture of Inventor 20	));	None		Second Civen Name
	Full Name Of leventur	Family Name HAQUE	First Given Name Wasimul		
	Reidence	City	State or Foreign Country Manitoba		Country of Chizenship Canada
	& Citizenship Mailing	Edmonton Address	City		State & Zip Code/Country  Manitoba Till 2Y7/Carada
	Address	2220 Kaufman Way	Edmonton	Datei	
Sign	ture of Inventor 2	40/A:			Seeand Given Name
2	Full Name Of Inventor	Family Name ZHANG	First Given Name Wenlian		Country of Citizenship
ń	Residence	City		State or Porcigu Cauncy  Mantaba  City	
3	& Citizenship Malling	Winnipeg Address	City		
	Address	203: X Wen line &	Winnipag	Dates	lov.21, 2005
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2	Full Name Of Inventor	Family Name YAO	Pirst Given Name Juneni		
	Residence	City	State or Foreign Counts	צ	Country of Citizenship China
4	& Citizenship Mailing	Winnipeg Address	Manitoba City		State & Zip Code/Country Manitoba R3T 3MZ/Coneda
_	Address	312-99 Dalhousla Driva	Winnipeg	Date:	2/4///
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2	Full Name Of Inventor	Family Name PHAM	First Given Name Vinh		Second Given Name
0	Residence	City Winnipeg	State or Foreign Count Menitobs	ry	Country of Citizenship Consults
5	Mathing	Address 43 Foyle Street	City Winnipeg		State & Kip Code/Country Manifobs R2R 2C1/Canada
	Address gauture of Invento			Data:	

U.S. PROVISIONAL APPLICATION NUMBER

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I hereby claim foreign priority for patent or inventor's certific inventor's certificate having a	cate listed below and have	also identified below any for	of any foreign application(s) reign application for patent or which priority is claimed:
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Residence & Citizenship	City Winnipeg	State or Foreign Country Manitoba	· · · · ·	Country of Citizenship Canada
Mailing Address	Address 75 Winterhaven Drive	City Winnipeg		State & Zip Code/Country Manitoba R2N 4L3/Canada
sture of Inventor 2	01:		Date:	Ju 25/2007
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Residence & Citizenship	City Edmonton	State or Foreign Country Manitoba		Country of Citizenship Canada
Mailing Address	Address 2220 Kaufman Way	City Edmonton		State & Zip Code/Country Manitoba T6L 2Y7/Canada
nture of Inventor 2	02: Wasimul Hagh		Date:	Nov 25/05
Full Name Of Inventor	Family Name ZHANG	First Given Name Wenlian		Second Given Name
Residence & Citizenship	City Winnipeg	State or Foreign Country Manitoba		Country of Citizenship Canada
Mailing Address	Address 335-99 Dalhousie Drive	City Winnipeg		State & Zip Code/Country  Manitoba R3T 3M2/Canada
ture of Inventor 2	03: ★		Date:	
Full Name Of Inventor	Family Name YAO	First Given Name Junzhi		Second Given Name
Residence & Citizenship	City Winnipeg	State or Foreign Country Manitoba		Country of Citizenship China
Mailing Address	Address 312-99 Dalhousie Drive	City Winnipeg	<u>-</u>	State & Zip Code/Country Manitoba R3T 3M2/Canada
ture of Inventor 2	<sup>04:</sup> ×		Date:	
Full Name Of Inventor	Family Name PHAM	First Given Name Vinh		Second Given Name
Residence & Citizenship	City Winnipeg	State or Foreign Country Manitoba	2	Country of Citizenship Canada
Mailing Address	Address 43 Foyle Street	City Winnipeg		State & Zip Code/Country Manitoba R2R 2C1/Canada
ture of Inventor 2	os: pmm		Date:	Vov 25,2005
	Residence & Citizenship  Mailing Address  Address	Residence & City Winnipeg  Mailing Address 75 Winterhaven Drive  Sture of Inventor 201:  Full Name Of Inventor HAQUE  Residence & City Edmonton  Mailing Address 2220 Kaufman Way  Sture of Inventor 202:  Full Name Of Inventor ZHANG  Residence City Eamly Name Of Inventor Drive  Full Name Of Inventor 202:  Full Name Of Inventor ZHANG  Residence City Winnipeg  Mailing Address 335-99 Dalhousie Drive  Sture of Inventor 203:  Full Name Of Inventor YAO  Residence City Winnipeg  Mailing Address 312-99 Dalhousie Drive  Sture of Inventor 204:  Full Name Of Inventor 204:  Full Name Of Inventor PHAM  Residence & City Winnipeg  Mailing Address 312-99 Dalhousie Drive  Sture of Inventor 204:  Full Name Of Inventor PHAM  Residence City Winnipeg  Mailing Address 312-99 Dalhousie Drive  Sture of Inventor PHAM  Residence City Winnipeg  Mailing Address 43 Foyle Street	Of Inventor  Residence & City Winnipeg  Mailing Address Address 75 Winterhaven Drive  Full Name Of Inventor 201:  Full Name Of Inventor 202:  Full Name Of Inventor  Family Name Of Inventor  Full Name Of Inventor  Family Name Of Inventor  Family Name Of Inventor 202:  Full Name Of Inventor  City Edmonton  Family Name Family Name Of Inventor 203:  Full Name Of Inventor  City Edmonton  First Given Name Wenlian  First Given Name Wenli	Of Inventor   DIAKUR